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Attorneys for Plaintiff
Lawrence R. Slaughter

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

LAWRENCE R. SLAUGHTER,)	Case No.: 2:15-cv-00392-PAL
)	
Plaintiff,)	STIPULATION AND ORDER FOR
)	THE AWARD AND PAYMENT OF
vs.)	ATTORNEY FEES AND
)	EXPENSES PURSUANT TO THE
NANCY A. BERRYHILL, Acting)	EQUAL ACCESS TO JUSTICE
Commissioner of Social Security,)	ACT, 28 U.S.C. § 2412(d)
)	
Defendant.)	
)	
)	

TO THE HONORABLE PEGGY A. LEEN, MAGISTRATE JUDGE OF
THE DISTRICT COURT:

IT IS HEREBY STIPULATED, by and between the parties through their undersigned counsel, subject to the approval of the Court, that Lawrence R. Slaughter be awarded attorney fees in the amount of Three Thousand dollars (\$3,000.00) under the Equal Access to Justice Act (EAJA), 28 U.S.C. § 2412(d). This amount represents compensation for all legal services rendered on behalf of Plaintiff by counsel in connection with this civil action, in accordance with 28 U.S.C. §§ 1920; 2412(d).

1 After the Court issues an order for EAJA fees to Lawrence R. Slaughter, the
2 government will consider the matter of Lawrence R. Slaughter's assignment of
3 EAJA fees to Marc V. Kalagian. The retainer agreement containing the
4 assignment is attached as exhibit 1. Pursuant to *Astrue v. Ratliff*, 130 S.Ct. 2521,
5 2529 (2010), the ability to honor the assignment will depend on whether the fees
6 are subject to any offset allowed under the United States Department of the
7 Treasury's Offset Program. After the order for EAJA fees is entered, the
8 government will determine whether they are subject to any offset.

9 Fees shall be made payable to Lawrence R. Slaughter, but if the Department
10 of the Treasury determines that Lawrence R. Slaughter does not owe a federal debt,
11 then the government shall cause the payment of fees, expenses and costs to be
12 made directly to Law Offices of Rohlfing & Kalagian, LLP, pursuant to the
13 assignment executed by Lawrence R. Slaughter.¹ Any payments made shall be
14 delivered to Marc V. Kalagian.

15 This stipulation constitutes a compromise settlement of Lawrence R.
16 Slaughter's request for EAJA attorney fees, and does not constitute an admission of
17 liability on the part of Defendant under the EAJA or otherwise. Payment of the
18 agreed amount shall constitute a complete release from, and bar to, any and all
19 claims that Lawrence R. Slaughter and/or Marc V. Kalagian including Law Offices
20 of Rohlfing & Kalagian, LLP may have relating to EAJA attorney fees in
21 connection with this action.

22 This award is without prejudice to the rights of Marc V. Kalagian and/or the
23 Law Offices of Rohlfing & Kalagian, LLP to seek Social Security Act attorney
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25 ¹ The parties do not stipulate whether counsel for the plaintiff has a cognizable lien
26 under federal law against the recovery of EAJA fees that survives the Treasury
Offset Program.

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1 fees under 42 U.S.C. § 406(b), subject to the savings clause provisions of the
2 EAJA.

3 DATE: June 11, 2018

Respectfully submitted,

4 LAW OFFICES OF ROHLFING & KALAGIAN, LLP

5 */s/ Marc V. Kalagian*

6 BY: _____

Marc V. Kalagian

7 Attorney for plaintiff Lawrence R. Slaughter

8 DATED: June 11, 2018

DAYLE ELIESON

9 United States Attorney

10 */s/ Lara A. Bradt*

11 BY: _____

LARA A. BRADT

12 Special Assistant United States Attorney


13 Attorneys for Defendant NANCY A.

BERRYHILL, Acting Commissioner of Social
14 Security (Per e-mail authorization)

15
16
17 **ORDER**

18 Approved and so ordered: July 13, 2018

19 DATE:

20 

21 THE HONORABLE PEGGY A. LEEN
22 UNITED STATES MAGISTRATE JUDGE
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